APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/014,789	12/14/2001	Sarah Metcalfe	82001-0296	1625

24633	7590	05/16/2006

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EXAMINER
WU, RUTAO

ART UNIT	PAPER NUMBER
3639	

DATE MAILED: 05/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>27 February 2006</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-42* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-42* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

    1.☐ Certified copies of the priority documents have been received.

    2.☐ Certified copies of the priority documents have been received in Application No. _____.

    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)	4)☐ Interview Summary (PTO-413)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	5)☐ Notice of Informal Patent Application (PTO-152)
Paper No(s)/Mail Date _____ .	6)☐ Other: _____ .

DETAILED ACTION

Status of claims

1.   In response filed February 27, 2006, the applicant amended claims 1, 15, 29, and

42. No claims have been cancelled and no new claims have been introduced. Claims

1-42 are pending in the current application.

Response to Arguments

2.   Applicant's arguments with respect to claims 1-42 have been considered but are

moot in view of the new ground(s) of rejection.

Applicant states that Doyle et al (U.S. Pat No. 5,694,551) "is essentially a

message handling system that receives and forwards other requests for handling by the

supplier/vender." (Page 11) The Examiner respectfully disagrees. Doyle et al disclose

a system located on site at the central supplier provides a centralized data processing

for the entire channel supplier system. And efficiently handle all aspects of customer

orders channeled to a central supplier and filled by departments of the central supplier

or by outside vendors. (col 2: lines 8-10, 40-43) Effectively, Doyle's invention receives

order invoices and fulfills the order from its departments, only is the departments cannot

fulfill the order are the invoices send out to outside vendors for fulfillment. The

applicant's claim language as directed in the claims fails to distinguish it from Doyle's

disclosure as being novel.

As per claim 1, the applicant claim "A method for sharing, tracking and updating supply chain purchasing transactional information from a buyer, comprising the steps:

Importing a purchase order having one or more user defined attributes, wherein said purchase order is associated with a first supply chain trading partner; and

Creating in real time a corresponding delivery order having one or more user defined attributes, wherein said corresponding delivery order associated with a second supply chain trading partner, said delivery order being accessible by said buyer and said first trading partner."

Doyle discloses the mainframe computer executes a transaction software program described below to collect and process the data for customer order, shipment tracking and invoicing. (col 2: lines 66-67) The main computer system segregates data, such as requisition item information, from the data supplied by the customer and collates that information by individual vendors and internal departments. If the requisition item is to be delivered by an internal department, then the information needed to fulfill the order, such as ship-to and requisition item information is transmitted directly to the appropriate department computer system. (col 4: lines 4-11) From the above disclosure it is clear that Doyle teaches importing a purchase order associated with a first supply chain trading partner (main computer system), and then from that purchase order creating a delivery order for the department or an outside vendor (second supply chain trading partner) that is responsible in fulfilling the order. Doyle does not expressly disclose that the delivery order is created in real time per se. However, it would have been obvious for Doyle and well known in the arts to want to

create the delivery order as soon as possible after receiving the purchase order to ensure the fastest processing time and that the customers can receive the orders without delay. Doyle also discloses pending (even non-completed) requisition data is accessible from the database on the customer computer system. (col 4: lines 46-48) Doyle therefore teaches that the delivery order is accessible by the buyer, to view shipping information and other order related information. It would be obvious that the first trading partner (main computer system) can also view the delivery order because it needs to delegate and manage the orders through the outside vendors.

Independent claims 15, 29, and 42 recites similar claim language and are therefore rejected according to the above reasoning.

3.   As per claims 2-13, it is noted that the features upon which applicant relies are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

As per claim 2, Doyle discloses creating a configurable status attribute for said delivery order. (col 4: lines 15-17, Fig 10)

As per claim 3, Doyle disclose receiving purchase orders and then if the requisition item is to be delivered by an internal department, the information needed to fulfill the orders transmitted directly to the appropriate department computer system. (col 4: lines 5-11) Therefore, it is inherent that the data are imported from purchase order into delivery order.

As per claim 4, Doyle disclose monitoring for changes to data contained in said delivery order. (col 5: lines 60-65)

As per claim 5, Doyle disclose comparing said changes to said data and determining whether a business rule has been violated. (col 6: lines 65-67)

As per claim 6, Doyle disclose step of notifying one of said trading partners when a business rule has been violated. (col 6: lines 65-67; col 7: lines 31-34, 47-50)

As per claim 7, Doyle disclose creating a filter configured so that said filter allows a third trading partner to access said delivery order based on a third party attribute in said delivery order. (col 1: lines 26-31; col 3: lines 34-36)

As per claim 8, Doyle disclose creating a filter configured so that said filter allows a third trading partner to access said delivery order based on a status attribute in said deliver order. (col 3: lines 37-40)

As per claim 9, Doyle disclose making accessible data contained in said delivery order to a logistical application. (col 2: line 66-67; col 3: lines 1-4)

As per claim 10, Doyle disclose wherein said logistical application is a transport application. (col 1: lines 44-51)

As per claim 11, Doyle disclose said logistical application is a monitoring application. (col 2: line 66-67; col 3: lines 1-4)

As per claim 12, Doyle disclose said delivery order corresponds to said purchase order based on a purchase order attribute for said delivery order. (col 4: lines 4-14)

As per claim 13, Doyle disclose steps of creating a one-to-many attribute in said delivery order. (col 3: lines 30-31)

4.   As per claims 14, 28 and 41, in response to applicant's argument that the

examiner's conclusion of obviousness is based upon improper hindsight reasoning, it

must be recognized that any judgment on obviousness is in a sense necessarily a

reconstruction based upon hindsight reasoning. But so long as it takes into account

only knowledge which was within the level of ordinary skill at the time the claimed

invention was made, and does not include knowledge gleaned only from the applicant's

disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170

USPQ 209 (CCPA 1971).

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 1-13, 15-27, 29-40, 42 are rejected under 35 U.S.C. 103(a) as being

unpatentable over U.S. Pat No. 5,694,551 to Doyle et al.

Referring to claims 1, 15, 29, 42:

A method for sharing, tracking and updating supply chain purchasing

transactional information from a buyer, comprising the steps:

Importing a purchase order having one or more user defined attributes, wherein

said purchase order is associated with a first supply chain trading partner; and (col 1:

lines 26-30; col 2: lines 66-67; col 3: line 1; col 4: lines 4-11; col 5: lines 30-36)

Creating in real time a corresponding delivery order having one or more user

defined attributes, wherein said corresponding delivery order associated with a second

supply chain trading partner, said deliver order being accessible by said buyer and said

first trading partner. (col 4: lines 4-14; col 6: lines 45-59; col 8: lines 40-46)

Doyle does not expressly disclose that the delivery order is created in real time

per se. However, it would have been obvious for Doyle and well known in the arts to

want to create the delivery order as soon as possible after receiving the purchase order

to ensure the fastest processing time and that the customers can receive the orders

without delay. Doyle also discloses pending (even non-completed) requisition data is

accessible from the database on the customer computer system. (col 4: lines 46-48)

Doyle therefore teaches that the delivery order is accessible by the buyer, to view

shipping information and other order related information. It would be obvious that the

first trading partner (main computer system) can also view the delivery order because it

needs to delegate and manage the orders through the outside vendors.

Referring to claims 2, 17:

The method according to Claim 1, further comprising the step of creating a

configurable status attribute for said delivery order. (col 4: lines 15-17; Fig 10)

Referring to claims 3, 18, 36:

The method according to Claim 1, wherein said step of creating said corresponding delivery order further includes the step of importing data from said purchase order into said delivery order. (col 4: lines 4-14; col 6: lines 45-59; col 8: lines 40-46)

Referring to claims 4, 19, 33:

The method according to Claim 1, further comprising the step of monitoring for changes to data contained in said delivery order. (col 5: lines 5-7)

Referring to claims 5, 20, 34:

The method according to Claim 4, further comprising the step of comparing said changes to said data and determining whether a business rule has been violated. (col 6: lines 65-67)

Referring to claims 6, 21, 35:

The method according to Claim 5, further comprising the step of notifying one of said trading partners when a business rule has been violated. (col 6: lines 65-67; col 7: lines 31-34, 47-50)

Referring to claims 7, 22, 31:

The method according to Claim 1, further comprising the step of creating a filter configured so that said filter allows a third trading partner to access said delivery order based on a third party attribute in said delivery order. (col 1: lines 26-31; col 3: lines 34-36)

Referring to claims 8, 23, 32:

The method according to Claim 1, further comprising the step of creating a filter configured so that said filter allows a third trading partner to access said delivery order based on a status attribute in said deliver order. (col 3: lines 37-40)

Referring to claims 9, 24, 37:

The method according to Claim 1, further comprising the step of making accessible data contained in said delivery order to a logistical application. (col 2: line 66-67; col 3: lines 1-4)

Referring to claims 10, 25, 38:

The method according to Claim 9, wherein said logistical application is a transport application. (col 1: lines 44-51)

Referring to claims 11, 26, 39:

The method according to Claim 9, wherein said logistical application is a monitoring application. (col 2: line 66-67; col 3: lines 1-4)

Referring to claim 12:

The method according to Claim 1, wherein said delivery order corresponds to said purchase order based on a purchase order attribute for said delivery order. (col 4: lines 4-14)

Referring to claims 13, 27, 40:

The method according to Claim 1, further comprising the steps of creating a one-to-many attribute in said delivery order. (col 3: lines 30-31)

Referring to claims 16, 30:

The system according to Claim 15, further comprising a means for creating a filter, said filter assigned to said second trading partner and configured to query for said purchase order based on a designed supplier attribute contained in said purchase order. (col 5: lines 26-27)

7.   Claims 14, 28, 41 rejected under 35 U.S.C. 103(a) as being unpatentable over Doyle et al in view over U.S. Pat No. 6,889,197 to Lidow.

Doyle et al does not explicitly disclose the system is cable of creating a shipment using data from two or more purchase orders.

Lidow discloses in his invention the ability to accumulate customers placed orders from customers who are using the same or similar products. The demands are then aggregated and supply chain server determines the best method for distributing all the products requested. (col 5: lines 32-37) Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Doyle et al's invention to include the ability to combine multiple orders into one shipment. One would be motivated to perform such a function because it would be more efficient and reduces cost when multiple orders of similar items or multiple orders with same address are combined in one shipment.

Conclusion

8.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later
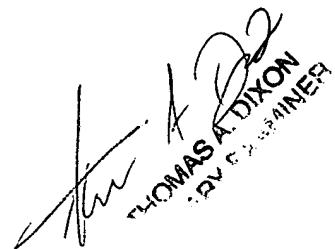
than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Rutao Wu whose telephone number is (571)272-3136.

The examiner can normally be reached on Mon-Fri 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Hayes can be reached on (571)272-6708. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

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